

## MDT Civil Rights Bureau

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**DBE Supportive Services, Civil Rights Bureau  
Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620-1001**



# MDT BIDDERS' SURVEY

**TO MDT CONTRACTOR / SUPPLIER /  
CONSULTANT:**

Please complete the MDT bidders' survey before December 2nd. The survey is at MDT's web site:

<http://www.mdt.mt.gov/business/contracting/civil/dbebidsurvey.shtml>

If you cannot complete the online survey form, please contact my office at 406-444-6337 and request a hard copy of the bidders' survey to be mailed to you.

Thank you for your  
cooperation.

Leslie Wootan  
DBE Program Manager



## UPCOMING WORKSHOPS

**DECEMBER 12—13, 2005**  
**8 a.m.—4 p.m.**

- DBE Program Overview/Rule Clarification/Open Discussion
- Reading Highway Plans
- Preparing Estimates
- Bidding Highway Projects

**Montana Business Incubator  
Montana State University - Billings  
100 Poly Drive, Suite 150**

## CONTRACT LANGUAGE WORKSHOPS COMING IN JANUARY

## Inside this issue:

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# WAY TO GO!

For MDT November 3, 2005 highway construction bid letting, the following contractors achieved DBE participation over the DBE program goal of 5.11%

Prince, Inc.	22.45%
JTL Group, Inc.—Billings	6.7%
Sletten Construction Company	27.15%
Montana Lines, Inc.	94.1% & 59.48%
United Materials of Great Falls	13.09%

## MDT DBE Goal Participation

FFY 2005 DBE Goal = 7.74%

**DBE Participation based on contracted amounts = 7.84%**

FFY 2006 DBE Goal = 5.11%

**DBE Participation based on contracted amounts = 6.42%**  
**(committed/awarded)**

**FFY2006:** The DBE participation % is the contract amounts awarded to DBE companies (both prime and subcontracts) from October 1st (start of federal fiscal year) to the current date. At this time, it does not include the November bid letting numbers.

## As Read MDT Bid Letting Results as of November 3, 2005



Project Number	Prime Contractor	Low \$ Bid Amount	DBE Participation	
			\$ Amount	%
NH 57-6(11)280 / STPP 51-1(3)0 Circle Southeast/JctMT200S - Northeast	Prince, Inc.	\$4,169,138.13	\$936,315.86	22.46%
NH 1-6(55)342 /STPS 432-2(5)40 Rudyard-Gildford / Rudyard-South	Riverside Contracting, Inc.	\$2,687,869.20		0%
SFCN 5-2(141)93 Somers-South	Schellinger Construction Co..	\$2,095,927.95		0%
NH 10-2(30)43 Fort Benton-Loma	Riverside Contracting, Inc.	\$1,598,204.50		0%
NH 1-4(32)292 Devon-E & W	Riverside Contracting, Inc.	\$1,198,486.33		0%
STPX 56788(8) NE of Billings-NE	JTL Group, Inc.	\$1,179,117.91	\$78,980.85	6.70%
NH 99-1(9)0 Malta-Northeast	Riverside Contracting, Inc.	\$1,250,246.35		0%
BR 9028(10) Wolf Creek - 8 km E of Vida	Sletten Construction Co.	\$865,429.21	\$41,802.30	4.83%
STPHS 61-3(22)85 2000 – Guardrail – 3 KM So of Fergus Co Line	Omo Construction, Inc.	\$651,995.75		0%
STPHS 90-6(105)317 2001 – Trail Cr Interchange – E of Bozeman	Sletten Construction Co.	\$735,119.10	\$199,590.00	27.15%
STPHS 205-1(32)27 / STPHS 411-1(9)0 2002 – Signal – Jct Sec-411 / 2002 – Signal	Montana Lines, Inc.	\$204,022.49	\$191,992.49	94.10%
STPHS-STPP 52-2(28)51 MT 35 / Sec-317 Intersection - Kalispell	Montana Lines, Inc.	\$398,831.09	\$237,197.59	59.47%
IM 0002(392) D-1 Interstate Guardrail	Omo Construction, Inc.	\$290,774.83		0%
STPHS 0002(676) 1998 – D -1 Guardrail	Omo Construction, Inc.	\$294,378.88		0%
STPHS 263-1(22)6 / STPHS 292-1(5)0 / STPHS 0002(759) 2001 - Delineators – W of Msla / 2001 Safety Impts-Kalispell	Omo Construction, Inc.	\$75,293.48		0%
NH 102-1(2)8 57TH – 2ND Ave N / 10th Ave S – Great Falls	United Materials of Great Falls	\$466,176.48	\$61,041.30	13.09%
<b>Total of all Federal-aid Projects for November 3, 2005 MDT Bid Letting</b>		<b>\$17,325,162.84</b>	<b>\$1,057,099.01</b>	<b>6.01%</b>

## MORE MT CONTRACTING OPPORTUNITIES

### Montana State Contract Opportunities

<http://www.discoveringmontana.com/doa/gsd/osbs>

**307737**, Gold Creek Rest Area Maintenance, Bid Due Date: December 8, 2006. There will be a mandatory site inspection on November 17, 2005 at 1:00 PM.

**307738**, Browning Air Strip Edge Lighting System, Bid Due Date: November 23, 2005. Mandatory Pre-Bid Meeting on November 15, 2005.

**307690**, Horizontal Drain Installation, NW of Browning, US-89, Bid Due Date November 23, 2005.

**307749**, Bridge Repair in Great Falls, Smelter Avenue Overpass, Bid Due Date: November 29, 2005.

**2005-0A3A**, MT PRA-BICA 13(1), Lovell Area Roads, Bid Due Date: December 9, 2005. Missoula Plans Exchange.



Air Specialists working at MDT Headquarters cleaning the heating/cooling coils throughout the basement.

## Look for NEW MDT Spec Book

The new Standard Specifications for Road and Bridge Construction 2006 Edition should be completed and approved by February. The new spec book would then be included in all contracts starting with the March or April Letting.

The new spec book will be posted on the MDT Internet site and will be available on CD-Rom. In addition to the electronic format, the book will be available in a three-ring binder. A final decision has not been made, but we are looking at including a bound book similar to the 1995 Edition (Orange book). I would appreciate a rough estimate of Contractors' preference for the type of format and the approximate number of spec books that they may require. I anticipate the cost for the three-ring binder and the bound book to be in the \$10.00 to \$15.00 range. This does not have to be an exact order at this time, just an estimate. Please respond by November 21st to the e-mail or address below.

The questions we need answered are:

1. In addition to the electronic versions (Internet and CD-Rom), do you have a preference on the format of the new spec book?

Three Ring Binder \_\_\_\_\_

6" x 9" Bound Book \_\_\_\_\_

Both versions \_\_\_\_\_

2. In addition to the electronic versions (assuming both 3-ring and bound versions are printed), how many copies of each format of the spec book do you anticipate needing for the next couple of years?

Three Ring Binders \_\_\_\_\_

6" x 9" Bound Book \_\_\_\_\_

Dan J. Smith, P.E., Specifications Engineer, CAS Bureau; MT Department of Transportation; (406) 444 - 0464; dansmith@mt.gov



## INVITATION FOR BIDS LETTING OF DECEMBER 1, 2005

Sealed bids on the following projects will be received by the Montana Department of Transportation-Highways Division, Contract Plans Bureau, Room 101, 2701, Prospect, Helena, Montana until 9:00 a.m. on December 01, 2005 the bids being publicly opened and read thereafter at 10:00 a.m. in the Department's auditorium.

- 1 **VIC WHITE COYOTE RD-S RAVALLI - NH 5-2(120)20 - NOTE: Three-Month Advertisement, January 26, 2006 Bid Letting Date.** Grading, gravel surfacing, plant mix bituminous surfacing, seal and cover, structures, and other improvements on the Vicinity White Coyote Rd. – South Ravalli project in Lake County. **MANDATORY PRE-BID CONFERENCE.** The Disadvantaged Business Enterprises' contract goals are 4.0%.
- 2 **BIGHORN RIVER – HARDIN - BR 384-1(12)0**—Composite steel and concrete girder structure, grading, gravel surfacing, plant mix bituminous surfacing, on the Bighorn River - Hardin project in Big Horn County. The project is entirely within the Crow Indian Reservation. **MANDATORY PRE-BID CONFERENCE.** The Disadvantaged Business Enterprises' contract goals are 2.0%.
- 3 **US 287 PASS LN - N THREE FORKS - NH 8-4(32)102-** Grading, gravel, plant mix surfacing and pavement markings for installation of passing lanes on the US 287 Passing Lanes - North of Three Forks. The project begins at RP 102.2 north of the intersection of US 287 and Interstate 90 and extends approximately 5.2 kilometers north to RP 105.4 on National Highway Route 8/US 287 in Broadwater County. The Disadvantaged Business Enterprises' contract goals are 2.0%.
- 4 **STRUCTURES - S OF PRAY - BR 540-1(13)7**—Replacement of two bridges with two pre-stressed concrete beam bridges over Emigrant Creek and Six Mile Creek. Removal of a bridge at Hay Wagon Pass, grading, aggregate surfacing, PMBS, drainage, guardrail, seeding, and seal and cover of the approaches on Secondary 540 in Park County. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 5 **TARKIO-EAST, IM 90-1(155)64 ALBERTON-E & W, SFCI 90-1(156)74 FENCING-ALBERTON FIRE DAMAGE, IM-STPS 0002(820)** IM 90-1(155)64 - Seal and cover, including ramps, fencing replacement on the Fencing. Alberton Fire Damage project in Mineral and Missoula Counties. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 6 **JCT I-94 – SOUTH STPP 48-1(27)18** Cold milling, plant mix bituminous surfacing, striping and seal & cover on 11.1 miles on the Jct. I-94 - South project in Yellowstone and Big Horn Counties. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 7 **D5 - SCOUR PROTECTION - BH 0002(745)** - District 5 Scour Protection is located at the 4 locations: Structure crossings in Yellowstone County, Sweet Grass County, Fergus County and Golden Valley County. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 8 **LAVINA – EAST STPP 14-4(21)146** - Cold milling, PMBS, seal & cover and pavement markings on the Lavina - East project on Highway 12 in Golden Valley and Musselshell Counties. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 9 **FORTINE - NORTH, NH 5-4(28)168 EUREKA - SOUTH, NH 5-4(29)173 EUREKA - NORTH & SOUTH, NH 5-4(30)177** - Fortine - North, NH 5-4(28)168 - Seal and cover and pavement markings, mill, fill, plant mix surfacing, seal and cover and bridge deck treatment in Lincoln County. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 10 **TROUT CREEK-NORTHWEST STPP 6-1(108)23** Seal & cover on 6.5 miles of MT 200 on the Trout Creek-Northwest project in Sanders County. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 11 **CHECKERBOARD – WEST, STPP 14-2(27)56 WHITE SULPHUR SPRINGS – SOUTH, STPP 14-2(28)33** Seal and Cover on the Checkerboard - West and the White Sulphur Springs - South projects in Meagher County. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 12 **JCT US 12 – N SFCS 284-1(3)0** Seal and cover for the Jct. US 12 - North project located at Reference Post 0.0 to 8.8 on Secondary 284 in Jefferson and Lewis & Clark Counties.
- 13 **GREAT FALLS – VAUGHN, IM 15-5(112)282; PONDERA COUNTY LINE – S, IM 15-7(31)343; SUNBURST – SOUTH, IM 15-8(62)380** - IM 15-5(112)282 - Seal and cover, pavement markings and delineation on: Great Falls - Vaughn project in Cascade County; Pondera County Line - South project in Pondera County; and Sunburst - South project in Toole County. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 14 **AUGUSTA – CHOTEAU, STPP 9-1(14)40 CHOTEAU – NORTH, STPP 3-2(46)42** - Seal & cover and pavement markings on the Augusta-Choteau & Choteau-North projects. The Disadvantaged Business Enterprises' contract goals are 0.0%.
- 15 **BELT – SOUTHEAST NH 57-1(5)0** - Crack sealing on the Belt-Southeast project on National Highway Route 57/MT 200/ MT 3/US 87 in Cascade County. The Disadvantaged Business Enterprises' contract goals are 0.0%.

## DBE COMPANY – SPOTLIGHT



Smith Paving and Contracting, Inc. was started by Larry Smith in 1989. The

company focuses on heavy construction work consisting of major street and road projects, moving dirt, sewer and water mainlines, and sewage lagoons/lift stations. Recently, Smith Paving expanded into general building contracting work of housing units as well.

The staff of 18 full-time employees and several part-time seasonal employees have a broad spectrum of knowledge and experience to complete a project from start to finish, from clearing and grubbing to laying the pavement.

Current customers include Montana Department of Transportation, Salish & Kootenai Tribes, Cities of

Polson and Ronan, Lake County, and many private clients. Smith Paving has worked mostly on projects in Montana but also some projects in the state of Washington.

Larry has been in the construction business for over 30 years. Larry began his business paving parking lots in 1979 to completing a \$2 million Turtle Lake Road reconstruction project for the Salish & Kootenai Tribes.

Larry's words of wisdom to other business owners:

*"Be very open and candid. Be up front when dealing with others. You will gain respect from others and you will like yourself at the end of the day."*



## Environmental Regulations of Montana An Overview of Federal and State Law

**December 7 - 8, 2005**  
**8:30 A.M. to 5:00 P.M.**  
**(2 Days)**

**Holiday Inn Helena Downtown**  
**Elkhorn Room**  
**22 North Last Chance Gulch, Helena**

**Instructors:** Art Compton, Montana Department of Environmental Quality; and William Jarocki, The Environmental Finance Center

**Description:** This course provides an overview of federal and state environmental regulations. It also provides an introduction to the broad range of federal and state compliance and enforcement issues. The first day's material covers federal environmental regulations. The second day focuses on state environmental regulations, environmental standards, compliance, permitting, and enforcement.

**Continuing Education Units:** 1.5

**Registration:** \$350 (\$295 for registrations received by November 18, 2005)

**Course Web Page:** [http://www.nwetc.org/mpol-400\\_12-05\\_helena.htm](http://www.nwetc.org/mpol-400_12-05_helena.htm)

**Course Brochure PDF:** [http://www.nwetc.org/FILES/mpol-400\\_12-05\\_helena.pdf](http://www.nwetc.org/FILES/mpol-400_12-05_helena.pdf) (includes directions, hotel info, and registration form)

**Register Online:** [https://nwetc.websitesource.net/reg\\_mpol-400\\_12-05\\_helena/registration.htm](https://nwetc.websitesource.net/reg_mpol-400_12-05_helena/registration.htm)

Please feel free to call us if you have any questions or would like to register by phone. We can be reached Monday through Friday 8 A.M. to 5 P.M. PST at 206-762-1976.

## MONTANA DBE COMPANY MONTHLY UPDATE

### Newly Certified DBE Companies

Regnier & Associates LLC	Nanci Regnier	Aurora, CO	Consulting—public meetings, public involvement
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### ReCertified DBE Companies

Cadit Company, Inc.	Kathryn Carlisle	Roanoke, TX	Bridge work
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### Withdrawn DBE Companies

Kristin Darr & Associates, LLC	Kristin Darr	Phoenix, AZ
Landmark Design, Inc.	Jan Striefel	Salt Lake City, UT

## UPDATE OF SPECIAL FUEL USER PROCEDURES

**New changes to SB 123** regarding special fuel user requirements will be in effect starting October 1<sup>st</sup>. Continue with the same recordkeeping and quarterly filings procedures until you are notified with the revised form and recordkeeping requirements. The major parts of the bill are as follows:

**Clear (taxed) Fuel Usage** - All Special Fuel User (SU) permit holders are required to buy and use tax-paid (clear) fuel on both public and private project(s).

**Change to penalties for use of dyed fuel.** Starting October 1, the penalty for using dyed fuel increases from \$100 to \$1,000 for the first offense and \$5,000 for the second offense. Both offenses are civil penalties. However, the third offense is a criminal penalty. The penalty applies to everyone using dyed fuel illegally.

**Recordkeeping/Refunds** – If a SU permit holder does not request refunds they are **not** required to keep records. This applies to dispersal records, equipment fuel and mileage records. However, if you want to receive refund (s), you are required to keep records as you have previously done. Documentation showing all fuel purchases must be maintained by all permit holders to verify clear fuel usage.

**Quarterly Filing** – Filing quarterly SU tax returns is still required whether or not you are requesting a refund. At the present time, the Schedule MF-15 is being revised. The tax return

will be revised to contain something similar to a check-off box or other notation showing that you are not requesting a refund and therefore no fuel usage records are required.

**Materials Used on Public Projects** – Material used on public projects has always been taxable. The committee clarified that the end-user is responsible for paying the fuel tax on the material. One blended rate will replace the different rates for diesel and electricity on the MF-15 making it easier to report and pay.

**Power Take Off (PTO)** – The PTO refund will be revisited using past data from the department's records. The goal is to make it simpler to file for a PTO refund while not affecting the highway trust fund. Any changes will then be implemented.

**Permits/Bonds** – All contractors and subcontractors who work on a public (city, county, state or federal) project are required to have a special fuel user's permit and maintain a \$5,000 bond.

To view a copy of SB 123 go to the website <http://leg.state.mt.us/css/default.asp> or you can request a copy from MDT. If you have any questions, please contact Robert Turner at (406) 444-7672 or Bonnie Marceau at (406) 444-7271.

## DBE RULE CLARIFICATION PROMPT & RETAINAGE PAYMENT



Under 49 CFR 26.29, Montana Dept of Transportation (MDT) is required as part of the Disadvantaged Business Enterprise (DBE) program to establish a prompt payment provision which includes the prompt return of retainage payments. This quoted information below is directly from the MDT DBE Program Guide.

**Prompt Payment:** "The prime contractor shall pay the subcontractor within seven (7) working days of receipt of payment from MDT as provided by 28-2-2103 MCA. Upon receipt of payment from MDT, the prime contractor shall pay each subcontractor the full amount due in accordance with the subcontract for work satisfactorily performed or materials provided in accordance with that subcontract. If the prime contractor has a bona fide reason for not making payments to a subcontractor, written documentation must be provided to the Engineering Project Manager with their monthly estimate request. If the affected firm is a DBE, a copy must be forwarded to the MDT CRB - DBE Program Manager."

"The requirements of the statute, the CFRs, and this DBE program apply to all subcontractors and suppliers, not

merely those that are DBEs."

It is the subcontractor's responsibility to inform MDT CRB staff of any violation of the prompt payment provisions, and no threats may be made or retaliation may be taken by a prime against a subcontractor that makes an accurate report of such violations. This provision applies to all tiers of subcontractors.

**Retainage:** "All prime contractors will return retainage payments to subcontractors upon satisfactorily completion of work performed in accordance with MDT and contract specifications. This provision applies to all tiers of subcontracting. When a subcontractor has satisfactorily completed all work items within their subcontract (work performed according to specifications, provide all payroll, and material certifications, etc.), it is the subcontractor's responsibility to provide the prime contractor with proof of completion. Once proof of completion has been received, the prime contractor must provide for the prompt return of retainage to the subcontractor within 30 days of the request."

**Civil Rights Bureau**  
can be reached by calling  
406-444-6331.



### Quote of the Month

"Optimism is the faith that leads to achievement. Nothing can be done without hope or confidence."  
- Helen Keller